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4. *Amendment of section 10, Madras Act XX of 1935.—In section 10 of the principal Act—*

(i) in sub-section (1), the words " by notification in the Official Gazette " shall be omitted;

(ii) after sub-section (2), the following sub-sections shall be added, namely :—

" (3) All rules made under this Act shall be published in the Official Gazette and, unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(4) Every rule made under this Act shall, as soon as possible after it is made, be placed on the table of both Houses of the Legislature, and if, before the expiry of the session in which it is so placed or the next session, both Houses agree in making any modification in any such rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule."

I certify that this is a Money Bill.

Fort St. George, Madras,
30th July 1962.

S. CHELLAPANDIAN,
Speaker, Madras Legislative Assembly.

APPENDIX IV.

[Vide item V (3) on page 615.]

(L.A. Bill No. 11 of 1962)

(As passed by the Assembly.)

A Bill further to amend the Madras City Municipal Corporation Act, 1913, and the Madras District Municipalities Act, 1920.

BE it enacted by the Legislature of the State of Madras in the Thirteenth Year of the Republic of India as follows :—

PART I.

PRELIMINARY.

1. *Short title and commencement.*—(1) This Act may be called the Madras City Municipal Corporation and District Municipalities (Amendment) Act, 1962.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

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PART II.

AMENDMENTS OF THE MADRAS CITY MUNICIPAL CORPORATION ACT, 1919.

2. *Amendment of section 47, Madras Act IV of 1919.*—To section 47 of the Madras City Municipal Corporation Act, 1919 (Madras Act IV of 1919) (hereinafter in this Part referred to as the Municipal Corporation Act), the following proviso shall be inserted, namely :—

“ Provided that any person whose name is included in a separate part of the electoral roll for such territorial constituency by virtue of a statement referred to in section 20 of the Representation of the People Act, 1950 (Central Act XLIII of 1950) shall not be eligible for being included in the electoral roll for that division prepared for the purposes of this Act, unless he makes an application giving the particulars of his address in that division to the commissioner for such inclusion.”

3. *Amendment of section 50, Madras Act IV of 1919.*—In section 50 of the Municipal Corporation Act for the words and figures “ no person shall be qualified to vote during the period for which he has been declared to be disqualified by a judicial order passed under section 71 and still in force ”, the words and figures “ no person who is disqualified under section 71 shall be qualified to vote so long as the disqualification subsists ” shall be substituted.

4. *Amendment of section 52, Madras Act IV of 1919.*—In section 52 of the Municipal Corporation Act, for sub-section (4), the following sub-section shall be substituted, namely :—

“ (4) No person who is disqualified under section 71 shall be qualified for election or co-option as a councillor so long as the disqualification subsists.”

5. *Amendment of section 53, Madras Act IV of 1919.*—In section 53 of the Municipal Corporation Act,—

(i) in sub-section (1), for clause (g), the following clause shall be substituted, namely :—

“ (g) is disqualified under section 71; ”;

(ii) in sub-section (3), for the words “ the disqualification caused by the sentence is removed by an order of the State Government ”, the words and figures “ the disqualification caused by the sentence or incurred under section 71 is removed by an order of the State Government ” shall be substituted.

6. *Amendment of section 55, Madras Act IV of 1919.*—To section 55 of the Municipal Corporation Act, the following proviso shall be added, namely :—

“ Provided that the State Government may, by notification, for sufficient cause, direct that the term of office of the councillors as a whole be extended or reduced by such period not exceeding three months as may be specified in the notification.”.

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7. *Amendment of section 55-A, Madras Act IV of 1919.*—In section 55-A of the Municipal Corporation Act, for sub-sections (1) and (2), the following sub-sections shall be substituted, namely :—

“(1) (a) Ordinary vacancies in the office of elected councillors shall be filled at ordinary elections which shall, subject to the approval of the State Government, be fixed by the commissioner to take place on such days within three months before the occurrence of the vacancies as he thinks fit :

Provided that the State Government may, for sufficient cause, direct or permit the holding of any ordinary election after the occurrence of the vacancy.

(b) A casual vacancy in the office of an elected councillor shall be filled at a casual election which shall, subject to the approval of the State Government, be fixed by the commissioner to take place as soon as may be after the occurrence of the vacancy :

Provided that no casual election shall be held to fill a vacancy occurring within six months before the date of retirement by efflux of time and that such vacancy shall be filled at the next ordinary election.

(2) Notwithstanding anything contained in this Act, the State Government may, for sufficient cause, direct from time to time the postponement or alteration of the date of an ordinary or casual election or any stage of any such election.”

8. *Amendment of section 66, Madras Act IV of 1919.*—In section 66 of the Municipal Corporation Act, for the words “Every polling officer, clerk or other person in attendance at the polling room”, the words “Every officer, clerk, agent or other person performing any duty in connection with the recording or counting of votes at an election” shall be substituted.

9. *Insertion of new sections 66-A to 66-N in Madras Act IV of 1919.*—After section 66 of the Municipal Corporation Act, the following sections shall be inserted, namely :—

“66-A. *Minimum penalty for personation at an election.*—Notwithstanding anything contained in section 171-F of the Indian Penal Code (Central Act XLV of 1860) any person who in connection with an election under this Act commits an offence of personation punishable under that section, shall be punished with imprisonment for a term which shall not be less than six months and not more than two years and with fine.

66-B. *Promoting enmity between classes in connection with election.*—Any person who in connection with an election under this Act promotes or attempts to promote on grounds of religion, race, caste, community or language, feelings of enmity or hatred between different classes of the citizens of India shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

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66-C. *Prohibition of public meetings on the day preceding the election day and on the election day.*—(1) No person shall convene, hold or attend any public meeting in any division within twenty-four hours before the date of commencement of the poll or on the date or dates on which a poll is taken for an election in that division.

(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with fine which may extend to two hundred and fifty rupees.

66-D. *Disturbances at election meetings.*—(1) Any person who at a public meeting to which this section applies acts, or incites others to act, in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called together, shall be punishable with fine which may extend to two hundred and fifty rupees.

(2) This section applies to any public meeting of a political character held in any division between the earliest date for making nomination of candidates for an election and the date on which such election is held.

(3) If any police officer reasonably suspects any person of committing an offence under sub-section (1), he may, if requested so to do by the chairman of the meeting, require that person to declare to him immediately his name and address and, if that person refuses or fails so to declare his name and address, or if the police officer reasonably suspects him of giving a false name or address, the police officer may arrest him without warrant.

66-E. *Restrictions on the printing of pamphlets, posters, etc.*—(1) No person shall print or publish, or cause to be printed or published, any election pamphlet or poster which does not bear on its face the names and addresses of the printer and the publisher thereof.

(2) No person shall print or cause to be printed any election pamphlet or poster—

(a) unless a declaration as to the identity of the publisher thereof signed by him and attested by two persons to whom he is personally known, is delivered by him to the printer in duplicate; and

(b) unless, within a reasonable time after the printing of the document, one copy of the declaration is sent by the printer together with one copy of the document to the commissioner.

(3) For the purposes of this section,—

(a) any process for multiplying copies of a document, other than copying it by hand, shall be deemed to be printing and the expression 'printer' shall be construed accordingly; and

(b) 'election pamphlet or poster' means any printed pamphlet, hand-bill or other document distributed for the purpose of promoting or prejudicing the election of a candidate or group of candidates or any placard or poster having reference to an elec-

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tion, but does not include any handbill, placard or poster merely announcing the date, time, place and other particulars of an election meeting or routine instructions to election agents or workers.

(4) Any person who contravenes any of the provisions of sub-section (1) or sub-section (2) shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees or with both.

66-F. *Officers, etc., at elections not to act for candidates or to influence voting.*—(1) No person who is a returning officer, or an assistant returning officer, or a presiding or polling officer at an election, or an officer or clerk appointed by the returning officer or the presiding officer to perform any duty in connection with an election shall in the conduct or the management of the election do any act (other than the giving of vote) for the furtherance of the prospects of the election of a candidate.

(2) No such person as aforesaid, and no member of a police force, shall endeavour—

(a) to persuade any person to give his vote at an election, or

(b) to dissuade any person from giving his vote at an election, or

(c) to influence the voting of any person at an election in any manner.

(3) Any person who contravenes the provisions of sub-section (1) or sub-section (2) shall be punishable with imprisonment for a term which may extend to six months or with fine or with both.

66-G. *Prohibition of canvassing in or near polling stations.*—

(1) No person shall, on the date or dates on which a poll is taken at any polling station, commit any of the following acts within the polling station or in any public or private place within a distance of one hundred yards of the polling station, namely :—

(a) canvassing for votes; or

(b) soliciting the vote of any elector; or

(c) persuading any elector not to vote for any particular candidate; or

(d) persuading any elector not to vote at the election; or

(e) exhibiting any notice or sign (other than an official notice) relating to the election.

(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with fine which may extend to two hundred and fifty rupees.

(3) An offence punishable under this section shall be cognizable.

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66-H. *Penalty for disorderly conduct in or near polling stations.*—(1) No person shall, on the date or dates on which a poll is taken at any polling station,—

(a) use or operate within or at the entrance of the polling station, or in any public or private place in the neighbourhood thereof, any apparatus for amplifying or reproducing the human voice, such as a megaphone or a loudspeaker, or

(b) shout, or otherwise act in a disorderly manner, within or at the entrance of the polling station or in any public or private place in the neighbourhood thereof, so as to cause annoyance to any person visiting the polling station for the poll, or so as to interfere with the work of the officers and other persons on duty at the polling station.

(2) Any person who contravenes, or wilfully aids or abets the contravention of the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to three months or with fine or with both.

(3) If the polling officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under this section, he may direct any police officer to arrest such person, and thereupon the police officer shall arrest him.

(4) Any police officer may take such steps, and use such force, as may be reasonably necessary for preventing any contravention of the provisions of sub-section (1), and may seize any apparatus used for such contravention.

Explanation.—In this section, the expression “polling officer” means the polling officer of a polling station or if there is a presiding officer at the polling station, such presiding officer.

66-I. *Penalty for misconduct at the polling station.*—(1) Any person who during the hours fixed for the poll at any polling station misconducts himself or fails to obey the lawful directions of the polling officer may be removed from the polling station by the polling officer or by any police officer on duty or by any person authorized in this behalf by such polling officer.

(2) The powers conferred by sub-section (1) shall not be exercised so as to prevent any elector who is otherwise entitled to vote at a polling station from having an opportunity of voting at that polling station.

(3) If any person who has been so removed from a polling station re-enters the polling station without the permission of the polling officer, he shall be punishable with imprisonment for a term which may extend to three months, or with fine or with both.

(4) An offence punishable under sub-section (3) shall be cognizable.

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Explanation.—In this section, the expression 'polling officer' has the same meaning as in section 66-H.

66-J. Penalty for illegal hiring or procuring of conveyances at elections.—(1) No candidate or his agent or any other person with the consent of a candidate or his agent shall hire or procure whether on payment or otherwise any vehicle, or vessel for the conveyance of any elector (other than the candidate himself, the members of his family or his agent) to or from any polling station :

Provided that nothing in this sub-section shall apply to—

(a) the hiring of a vehicle or vessel by an elector or several electors at their joint costs for the purpose of conveying him or them to or from the polling station, if the vehicle or vessel so hired is a vehicle or vessel not propelled by mechanical power; and

(b) the use of any public transport vehicle or vessel or any railway carriage by any elector at his own cost for the purpose of going to or coming from the polling station.

Explanation.—In this sub-section the expression 'vehicle' means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise and whether used for drawing other vehicles or otherwise.

(2) Any person who contravenes the provisions of sub-section (1) at or in connection with an election shall be punishable with fine which may extend to two hundred and fifty rupees.

66-K. Breaches of official duty in connection with election.—

(1) If any person to whom this section applies is without reasonable cause guilty of any act or omission in breach of his official duty, he shall be punishable with fine which may extend to five hundred rupees.

(2) No suit or other legal proceedings shall lie against any such person for damages in respect of any such act or omission as aforesaid.

(3) The persons to whom this section applies are the returning officers, assistant returning officers, presiding officers, polling officers and any other person appointed to perform any duty in connection with the receipt of nominations or withdrawal of candidatures, or the recording or counting of votes at an election; and the expression "official duty" shall for the purposes of this section be construed accordingly, but shall not include duties imposed otherwise than by or under this Act.

66-L. Removal of ballot papers from polling station to be an offence.—(1) Any person who at any election fraudulently takes, or attempts to take, a ballot paper out of a polling station, or willfully aids or abets the doing of any such act, shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to five hundred rupees or with both.

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(2) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under sub-section (1), such officer may, before such person leaves the polling station, arrest or direct a police officer to arrest such person and may search such person or cause him to be searched by a police officer :

Provided that when it is necessary to cause a woman to be searched, the search shall be made by another woman with strict regard to decency.

(3) Any ballot paper found upon the person arrested on search shall be made over the safe custody to a police officer by the presiding officer, or when the search is made by a police officer, shall be kept by such officer in safe custody.

(4) An offence punishable under sub-section (1) shall be cognizable.

66-M. *Other offences and penalties therefor.*—(1) No person at an election shall—

(a) fraudulently deface or fraudulently destroy any nomination paper; or

(b) fraudulently deface, destroy or remove any list, notice or other document affixed by or under the authority of a returning officer; or

(c) fraudulently deface or fraudulently destroy any ballot paper or the official mark on any ballot paper; or

(d) without due authority supply any ballot paper to any person or receive any ballot paper from any person or be in possession of any ballot paper; or

(e) fraudulently put into any ballot box anything other than the ballot paper which he is authorised by law to put in; or

(f) without due authority destroy, take, open or otherwise interfere with any ballot box or ballot papers then in use for the purposes of the election; or

(g) fraudulently or without due authority, as the case may be attempt to do any of the foregoing acts or wilfully aid or abet the doing of any such acts.

(2) Any person who contravenes the provisions of sub-section (1) shall—

(a) if he is a returning officer or an assistant returning officer or a presiding officer at a polling station or any other officer or clerk employed on official duty in connection with the election, be punishable with imprisonment for a term which may extend to two years or with fine or with both;

(b) if he is any other person, be punishable with imprisonment for a term which may extend to six months or with fine or with both.

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(3) For the purposes of this section, a person shall be deemed to be on official duty if his duty is to take part in the conduct of an election or part of an election including the counting of votes or to be responsible after an election for the used ballot papers and other documents in connection with such election, but the expression 'official duty' shall not include any duty imposed otherwise than by or under this Act.

(4) An offence punishable under clause (b) of sub-section (2) shall be cognizable.

66-N. *Prosecution regarding certain election offences.*—No court shall take cognizance of any offence punishable under section 66-F or under section 66-K or under clause (a) of sub-section (2) of section 66-M except on complaint in writing made by order of or under authority from, the State Government."

10. *Amendment of section 71, Madras Act IV of 1919.*—In section 71 of the Municipal Corporation Act, for the words and figures "under section 66", the words, figures and letters 'under section 66, 66-A, 66-B, 66-C, 66-D, 66-E, 66-F, 66-G, 66-H, 66-I, 66-J, 66-K, 66-L or 66-M' shall be substituted.

11. *Insertion of new heading and new sections 71-A to 71-H in Madras Act IV of 1919.*—After section 71 of the Municipal Corporation Act, the following heading and sections shall be inserted in Chapter III, namely :—

• " *Requisitioning of property for election purposes*

71-A. *Requisitioning of premises, vehicles, etc., for election purposes.*—(1) If it appears to the State Government that in connection with an election under this Act—

(a) any premises other than residential buildings actually occupied are needed or are likely to be needed for the purpose of being used as a polling station or for the storage of ballot boxes after a poll has been taken, or

(b) any vehicle, vessel or animal is needed or is likely to be needed for the purpose of transport of ballot boxes to or from any polling station, or transport of members of the police force for maintaining order during the conduct of such election, or transport of any officer or other person for performance of any duties in connection with such election, the State Government may, by order in writing, requisition such premises, or such vehicle, vessel or animal, as the case may be, and may make such further orders as may appear to them to be necessary or expedient in connection with the requisitioning :

Provided that no vehicle, vessel or animal which is being lawfully used by a candidate or his agent for any purpose connected with the election of such candidate shall be requisitioned under this sub-section until the completion of the poll at such election.

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(2) The requisition shall be effected by an order in writing addressed to the person deemed by the State Government to be the owner or person in possession of the property, and such order shall be served on the person to whom it is addressed.

(3) Whenever any property is requisitioned under sub-section (1), the period of such requisition shall not extend beyond the period for which such property is required for any of the purposes mentioned in that sub-section.

(4) In this section—

(a) 'premises' means any land, building or part of a building and includes a hut, shed or other structure or any part thereof;

(b) 'vehicle' means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise.

71-B. *Payment of compensation.*—(1) Whenever in pursuance of section 71-A the State Government requisition any premises, there shall be paid by the Corporation to the persons interested compensation the amount of which shall be determined by the State Government by taking into consideration the following, namely :—

(i) the rent payable in respect of the premises or if no rent is so payable, the rent payable for similar premises in the locality :

Provided that the rent payable in respect of the premises to which the provisions of the Madras Buildings (Lease and Rent Control) Act, 1960 (Madras Act 18 of 1960) apply shall be the fair rent payable for the premises under that Act;

(ii) if in consequence of the requisition of the premises the person interested is compelled to change his residence or place of business, the reasonable expenses (if any) incidental to such change :

Provided that where any person interested, being aggrieved by the amount of compensation so determined makes an application to the State Government within one month from the date of service of the order determining the compensation for referring the matter to an arbitrator, the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the State Government may determine :

Provided further that where there is any dispute as to the title to receive the compensation or as to the apportionment of the amount of compensation, it shall be referred by the State Government to an arbitrator appointed in this behalf by the State Government for determination and shall be determined in accordance with the decision of such arbitrator.

Explanation.—In this sub-section, the expression 'person interested' means the person who was in actual possession

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of the premises requisitioned under section 71-A immediately before the requisition, or where no person was in such actual possession, the owner of such premises.

(2) Whenever in pursuance of section 71-A the State Government requisition any vehicle, vessel or animal, there shall be paid by the Corporation to the owner thereof compensation the amount of which shall be determined by the State Government on the basis of the fares or rates prevailing in the locality for the hire of such vehicle, vessel or animal :

Provided that where the owner of such vehicle, vessel or animal being aggrieved by the amount of compensation so determined makes an application to the State Government within one month from the date of service of the order determining the compensation for referring the matter to an arbitrator, the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the State Government may determine :

Provided further that where immediately before the requisitioning the vehicle or vessel was by virtue of a hire-purchase agreement in the possession of a person other than the owner, the amount determined under this sub-section as the total compensation payable in respect of the requisition shall be apportioned between that person and the owner in such manner as they may agree upon, and in default of agreement, in such manner as an arbitrator appointed by the State Government in this behalf may decide.

71-C. Power to obtain information.—The State Government may, with a view to requisitioning any property under section 71-A or determining the compensation payable under section 71-B, by order, require any person to furnish to such authority as may be specified in the order such information in his possession relating to such property as may be so specified.

71-D. Powers of entry into and inspection of premises, etc.—(1) Any person authorized in this behalf by the State Government may enter into any premises and inspect such premises and any vehicle, vessel or animal therein for the purpose of determining whether, and if so in what manner, an order under section 71-A should be made in relation to such premises, vehicle, vessel or animal or with a view to securing compliance with any order made under that section.

(2) In this section, the expressions 'premises' and 'vehicle' have the same meanings as in section 71-A.

71-E. Eviction from requisitioned premises.—(1) Any person remaining in possession of any requisitioned premises in contravention of any order made under section 71-A may be summarily evicted from the premises by any officer empowered by the State Government in this behalf.

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(2) Any officer so empowered may, after giving to any woman not appearing in public reasonable warning and facility to withdraw, remove or open any lock or bolt or break open any door of any building or do any other act necessary for effecting such eviction.

71-F. Release of premises from requisition.—(1) When any premises requisitioned under section 71-A are to be released from requisition, the possession thereof shall be delivered to the person from whom possession was taken at the time when the premises were requisitioned, or if there were no such person, to the person deemed by the State Government to be the owner of such premises, and such delivery of possession shall be a full discharge of the State Government from all liabilities in respect of such delivery, but shall not prejudice any rights in respect of the premises which any other person may be entitled by due process of law to enforce against the person to whom possession of the premises is so delivered.

(2) Where the person to whom possession of any premises requisitioned under section 71-A is to be given under sub-section (1) cannot be found or is not readily ascertainable or has no agent or any other person empowered to accept delivery on his behalf, the State Government shall cause a notice declaring that such premises are released from requisition to be affixed on some conspicuous part of such premises and publish the notice in the Official Gazette.

(3) When a notice referred to in sub-section (2) is published in the Official Gazette the premises specified in such notice shall cease to be subject to requisition on and from the date of such publication and be deemed to have been delivered to the person entitled to possession thereof, and the State Government shall not be liable for any compensation or other claim in respect of such premises for any period after the said date.

71-G. Delegation of functions of the State Government with regard to requisitioning.—The State Government may, by notification, direct that any powers conferred or any duty imposed on the State Government by any of the provisions of sections 71-A to 71-F shall, under such conditions, if any, as may be specified in the direction, be exercised or discharged by such officer or class of officers as may be so specified.

71-H. Penalty for contravention of any order of requisitioning.—If any person contravenes any order made under section 71-A or section 71-C, he shall be punishable with imprisonment for a term which may extend to one year or with fine or with both."

12. Amendment of section 348, Madras Act IV of 1919.—In section 348 of the Municipal Corporation Act, for clauses (a) and (b), the following clauses shall be substituted, namely:—

"(a) A draft of the rules under section 347 or of a notification under section 45 shall be published in the Official Gazette and forwarded to the Council for its opinion.

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(b) Such draft shall not be further proceeded with until three weeks after such publication or until such later date as the State Government may appoint."

13. *Amendment of section 392, Madras Act IV of 1919.*— In section 392 of the Municipal Corporation Act, for the words " No person shall be liable to be tried for any offence ", the words " Save as otherwise expressly provided in this Act, no court shall take cognizance of any offence " shall be substituted.

PART III.

AMENDMENTS OF THE MADRAS DISTRICT MUNICIPALITIES Act, 1920.

14. *Amendment of section 8, Madras Act V of 1920.*—In section 8 of the Madras District Municipalities Act, 1920 (Madras Act V of 1920) (hereinafter in this Part referred to as the Municipalities Act),—

(i) to sub-section (1), the following proviso shall be added, namely :—

" Provided that the State Government may, by notification, for sufficient cause, direct that the term of office of the councillors as a whole be extended or reduced by such period not exceeding three months as may be specified in the notification.";

(ii) for sub-section (2), the following sub-section shall be substituted, namely :—

" (2) Ordinary vacancies in the office of councillors shall be filled at ordinary elections which shall, subject to the approval of the State Government, be fixed by the election authority to take place on such days within three months before the occurrence of the vacancies as he thinks fit :

Provided that the State Government may, for sufficient cause, direct or permit the holding of any ordinary election after the occurrence of the vacancy.";

(iii) for sub-section (4), the following sub-sections shall be substituted, namely :—

" (4) A casual vacancy in the office of a councillor shall be filled at a casual election which shall, subject to the approval of the State Government, be fixed by the election authority to take place as soon as may be after the occurrence of the vacancy :

Provided that no casual election shall be held to fill a vacancy occurring within six months before the date of retirement by efflux of time and that such vacancy shall be filled at the next ordinary election.

(4-A) Notwithstanding anything contained in this Act, the State Government may, for sufficient cause, direct from time to time the postponement or alteration of the date of an ordinary or casual election or any stage of any such election."

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15. *Amendment of section 44, Madras Act V of 1920.*—In section 44 of the Municipalities Act,—

(i) to sub-section (1), the following proviso shall be inserted, namely :—

“ Provided that any person whose name is included in a separate part of the electoral roll for such Assembly Constituency by virtue of a statement referred to in section 20 of the Representation of the People Act, 1950 (Central Act XLIII of 1950) shall not be eligible for being included in the electoral roll for the municipality prepared for the purposes of this Act, unless he makes an application giving the particulars of his address in the municipality to the person authorised under sub-section (2) for such inclusion.”;

(ii) after sub-section (4), the following sub-section shall be inserted, namely :—

“ (4-A) No alteration shall be made in any part of the electoral roll for the municipality published under sub-section (2) as revised by any alterations thereto subsequently published under that sub-section or under sub-section (4), after the last date fixed for making nomination of candidates for election to a ward and before the result of the election for the ward is notified.”.

16. *Amendment of section 50, Madras Act V of 1920.*— In sub-section (3) of section 50 of the Municipalities Act, for the words “ the disqualification caused by the sentence is removed by an order of the State Government ”, the words and figures “ the disqualification caused by the sentence or incurred under section 60 is removed by an order of the State Government ” shall be substituted.

17. *Amendment of section 56, Madras Act V of 1920.*—In section 56 of the Municipalities Act, for the words “ Every polling officer, clerk or other person in attendance at the polling room ”, the words “ Every officer, clerk, agent or other person preforming any duty in connection with the recording or counting of votes at an election ” shall be substituted.

18. *Insertion of new sections 56-A to 56-N in Madras Act V of 1920.*—After section 56 of the Municipalities Act, the following sections shall be inserted, namely :—

“ 56-A. *Minimum penalty for personation at an election.*—

Notwithstanding anything contained in section 171-F of the Indian Penal Code (Central Act XLV of 1860) any person who in connection with an election under this Act commits an offence of personation punishable under that section shall be punished with imprisonment for a term which shall not be less than six months and not more than two years and with fine.

56-B. *Promoting enmity between classes in connection with election.*—Any person who in connection with an election under this Act promotes or attempts to promote on grounds of religion,

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race, caste, community or language, feelings of enmity or hatred between different classes of the citizens of India shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

56-C. *Prohibition of public meetings on the day preceeding the election day and on the election day.*—(1) No person shall convene, hold or attend any public meeting within the municipality within twenty-four hours before the date of commencement of the poll or on the date or dates on which a poll is taken for an election.

(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with fine which may extend to two hundred and fifty rupees.

56-D. *Disturbances at election meetings.*—(1) Any person who at a public meeting to which this section applies acts, or incites others to act, in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called together, shall be punishable with fine which may extend to two hundred and fifty rupees.

(2) This section applies to any public meeting of a political character held within the municipality between the earliest date for making nomination of candidates for an election and the date on which such election is held.

(3) If any police officer reasonably suspects any person of committing an offence under sub-section (1), he may, if requested so to do by the chairman of the meeting, require that person to declare to him immediately his name and address and, if that person refuses or fails so to declare his name and address, or if the police officer reasonably suspects him of giving a false name or address, the police officer may arrest him without warrant.

56-E. *Restrictions on the printing of pamphlets, posters, etc.*—(1) No person shall print or publish or cause to be printed or published, any election pamphlet or poster which does not bear on its face the names and addresses of the printer and the publisher thereof.

(2) No person shall print or cause to be printed any election pamphlet or poster—

(a) unless a declaration as to the identity of the publisher thereof, signed by him and attested by two persons to whom he is personally known, is delivered by him to the printer in duplicate; and

(b) unless, within a reasonable time after the printing of the document, one copy of the declaration is sent by the printer together with one copy of the document to the commissioner.

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(3) For the purposes of this section,—

(a) any process for multiplying copies of a document, other than copying it by hand, shall be deemed to be printing and the expression 'printer' shall be construed accordingly; and

(b) 'election pamphlet or poster' means any printed pamphlet hand-bill or other document distributed for the purpose of promoting or prejudicing the election of a candidate or group of candidates or any placard or poster having reference to an election, but does not include any hand-bill, placard or poster merely announcing the date, time, place and other particulars of an election meeting or routine instructions to election agents or workers.

(4) Any person who contravenes any of the provisions of sub-section (1) or sub-section (2) shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both.

56-F. *Officers, etc., at elections not to act for candidates or to influence voting.*—(1) No person who is a returning officer or an assistant returning officer, or a presiding or polling officer at an election, or an officer or clerk appointed by the returning officer or the presiding officer to perform any duty in connection with an election shall in the conduct or the management of the election do any act (other than the giving of vote) for the furtherance of the prospects of the election of a candidate.

(2) No such person as aforesaid, and no member of a police force, shall endeavour—

(a) to persuade any person to give his vote at an election, or

(b) to dissuade any person from giving his vote at an election, or

(c) to influence the voting of any person at an election in any manner.

(3) Any person who contravenes the provisions of sub-section (1) or sub-section (2) shall be punishable with imprisonment for a term which may extend to six months or with fine or with both.

56-G. *Prohibition of canvassing in or near polling stations.*—

(1) No person shall, on the date or dates on which a poll is taken at any polling station, commit any of the following acts within the polling station or in any public or private place within a distance of one hundred yards of the polling station, namely :—

(a) canvassing for votes; or

(b) soliciting the vote of any elector; or

(c) persuading any elector not to vote for any particular candidate; or

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(d) persuading any elector not to vote at the election;
OF

(e) exhibiting any notice or sign (other than an official notice) relating to the election.

(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with fine which may extend to two hundred and fifty rupees.

(3) An offence punishable under this section shall be cognizable.

56-H. Penalty for disorderly conduct in or near polling stations.—(1) No person shall, on the date or dates on which a poll is taken at any polling station,—

(a) use or operate within or at the entrance of the polling station, or in any public or private place in the neighbourhood thereof, any apparatus for amplifying or reproducing the human voice, such as a megaphone or a loudspeaker, or

(b) shout, or otherwise act in a disorderly manner, within or at the entrance of the polling station or in any public or private place in the neighbourhood thereof,

so as to cause annoyance to any person visiting the polling station for the poll, or so as to interfere with the work of the officers and other persons on duty at the polling station.

(2) Any person who contravenes, or wilfully aids or abets the contravention of, the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to three months or with fine or with both.

(3) If the polling officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under this section, he may direct any police officer to arrest such person, and thereupon the police officer shall arrest him.

(4) Any police officer may take such steps, and use such force, as may be reasonably necessary for preventing any contravention of the provisions of sub-section (1), and may seize any apparatus used for such contravention.

Explanation.—In this section, the expression “polling officer” means the polling officer of a polling station or if there is a presiding officer at the polling station, such presiding officer.

56-I. Penalty for misconduct at the polling station.—(1) Any person who during the hours fixed for the poll at any polling station misconducts himself or fails to obey the lawful directions of the polling officer may be removed from the polling station by the polling officer or by any police officer on duty or by any person authorized in this behalf by such polling officer.

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(2) The powers conferred by sub-section (1) shall not be exercised so as to prevent any elector who is otherwise entitled to vote at a polling station from having an opportunity of voting at that polling station.

(3) If any person who has been so removed from a polling station re-enters the polling station without the permission of the polling officer, he shall be punishable with imprisonment for a term which may extend to three months, or with fine or with both.

(4) An offence punishable under sub-section (3) shall be cognizable.

Explanation.—In this section, the expression ‘polling officer’ has the same meaning as in section 56-H.

56-J. Penalty for illegal hiring or procuring of conveyances at elections.—(1) No candidate or his agent or any other person with the consent of a candidate or his agent shall hire or procure whether on payment or otherwise any vehicle, or vessel for the conveyance of any elector (other than the candidate himself, the members of his family or his agent) to or from any polling station :

Provided that nothing in this sub-section shall apply to—

(a) the hiring of a vehicle or vessel by an elector or several electors at their joint costs for the purpose of conveying him or them to or from the polling station, if the vehicle or vessel so hired is a vehicle or vessel not propelled by mechanical power; and

(b) the use of any public transport vehicle or vessel or any railway carriage by any elector at his own cost for the purpose of going to or coming from the polling station.

Explanation.—In this sub-section the expression ‘vehicle’ means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise and whether used for drawing other vehicles or otherwise.

(2) Any person who contravenes the provisions of sub-section (1) at or in connection with an election shall be punishable with fine which may extend to two hundred and fifty rupees.

56-K. Breaches of official duty in connection with election.—

(1) If any person to whom this section applies is without reasonable cause guilty of any act or omission in breach of his official duty, he shall be punishable with fine which may extend to five hundred rupees.

(2) No suit or other legal proceedings shall lie against any such person for damages in respect of any such act or omission as aforesaid.

(3) The persons to whom this section applies are the returning officers, assistant returning officers, presiding officers, polling officers and any other person appointed to perform any

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duty in connection with the receipt of nominations or withdrawal of candidatures, or the recording or counting of votes at an election; and the expression 'official duty' shall for the purposes of this section be construed accordingly, but shall not include duties imposed otherwise than by or under this Act.

56-L. Removal of ballot papers from polling station to be an offence.—(1) Any person who at any election fraudulently takes, or attempts to take, a ballot paper out of a polling station, or wilfully aids or abets the doing of any such act, shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to five hundred rupees or with both.

(2) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under sub-section (1), such officer may, before such person leaves the polling station, arrest or direct a police officer to arrest such person and may search such person or cause him to be searched by a police officer :

Provided that when it is necessary to cause a woman to be searched, the search shall be made by another woman with strict regard to decency.

(3) Any ballot paper found upon the person arrested on search shall be made over for safe custody to a police officer by the presiding officer, or when the search is made by a police officer, shall be kept by such officer in safe custody.

(4) An offence punishable under sub-section (1) shall be cognizable.

56-M. Other offences and penalties therefor.—(1) No person at an election shall—

(a) fraudulently deface or fraudulently destroy any nomination paper; or

(b) fraudulently deface, destroy or remove any list, notice or other document affixed by or under the authority of a returning officer; or

(c) fraudulently deface or fraudulently destroy ballot paper or the official mark on any ballot paper; or

(d) without due authority supply any ballot paper to any person or receive any ballot paper from any person or be in possession of any ballot paper; or

(e) fraudulently put into any ballot box anything other than the ballot paper which he is authorized by law to put in; or

(f) without due authority destroy, take, open or otherwise interfere with any ballot box or ballot papers then in use for the purposes of the election; or

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(g) fraudulently or without due authority, as the case may be, attempt to do any of the foregoing acts or wilfully aid or abet the doing of any such acts.

(2) Any person who contravenes the provisions of sub-section (1) shall—

(a) if he is a returning officer or an assistant returning officer or a presiding officer at a polling station or any other officer or clerk employed on official duty in connection with the election, be punishable with imprisonment for a term which may extend to two years or with fine or with both;

(b) if he is any other person, be punishable with imprisonment for a term which may extend to six months or with fine or with both.

(3) For the purposes of this section, a person shall be deemed to be on official duty if his duty is to take part in the conduct of an election or part of an election including the counting of votes or to be responsible after an election for the used ballot papers and other documents in connection with such election, but the expression 'official duty' shall not include any duty imposed otherwise than by or under this Act.

(4) An offence punishable under clause (b) of sub-section (2) shall be cognizable.

56-N. *Prosecution regarding certain election offences.*—No court shall take cognizance of any offence punishable under section 56-F or under section 56-K or under clause (a) of sub-section (2) of section 56-M except on complaint in writing made by order of, or under authority from, the State Government.

19. *Amendment of section 60, Madras Act V of 1920.*—In section 60 of the Municipalities Act,—

(i) for the words and figures "under section 56", the words, figures and letters "under section 56, 56-A, 56-B, 56-C, 56-D, 56-E, 56-F, 56-G, 56-H, 56-I, 56-J, 56-K, 56-L or 56-M" shall be substituted;

(ii) the words "or for such shorter period as the court may, by order, determine" shall be omitted.

20. *Insertion of new heading and new sections 60-A to 60-H in Madras Act V of 1920.*—After section 60 of the Municipalities Act, the following heading and sections shall be inserted in Chapter IV, namely:—

"*Requisitioning of property for election purposes.*

60-A. *Requisitioning of premises, vehicles, etc., for election purposes.*—(1) If it appears to the State Government that in connection with an election under this Act—

(a) any premises other than residential buildings actually occupied are needed or are likely to be needed for the purpose of being used as a polling station or for the storage of ballot boxes after a poll has been taken, or

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(b) any vehicle, vessel or animal is needed or is likely to be needed for the purpose of transport of ballot boxes to or from any polling station, or transport of members of the police force for maintaining order during the conduct of such election, or transport of any officer or other person for performance of any duties in connection with such election, the State Government may, by order in writing, requisition such premises, or such vehicle, vessel or animal, as the case may be, and may make such further orders as may appear to them to be necessary or expedient in connection with the requisitioning :

Provided that no vehicle, vessel or animal which is being lawfully used by a candidate or his agent for any purpose connected with the election of such candidate shall be requisitioned under this sub-section until the completion of the poll at such election.

(2) The requisition shall be effected by an order in writing addressed to the person deemed by the State Government to be the owner or person in possession of the property, and such order shall be served on the person to whom it is addressed.

(3) Whenever any property is requisitioned under sub-section (1), the period of such requisition shall not extend beyond the period for which such property is required for any of the purposes mentioned in that sub-section.

(4) In this section—

(a) "premises" means any land, building or part of a building and includes a hut, shed or other structure or any part thereof;

(b) "vehicle" means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise.

60-B. *Payment of compensation.*—(1) Whenever in pursuance of section 60-A the State Government requisition any premises, there shall be paid by the municipal council to the persons interested compensation the amount of which shall be determined by the State Government by taking into consideration the following, namely :—

(i) the rent payable in respect of the premises or if no rent is so payable, the rent payable for similar premises in the locality :

Provided that the rent payable in respect of the premises to which the provisions of the Madras Buildings (Lease and Rent Control) Act, 1960 (Madras Act 18 of 1960) apply shall be the fair rent payable for the premises under that Act;

(ii) if in consequence of the requisition of the premises the person interested is compelled to change his residence or place of business, the reasonable expenses (if any) incidental to such change :

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Provided that where any person interested, being aggrieved by the amount of compensation so determined makes an application to the State Government within one month from the date of service of the order determining the compensation for referring the matter to an arbitrator, the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the State Government may determine :

Provided further that where there is any dispute as to the title to receive the compensation or as to the apportionment of the amount of compensation, it shall be referred by the State Government to an arbitrator appointed in this behalf by the State Government for determination, and shall be determined in accordance with the decision of such arbitrator.

Explanation.—In this sub-section, the expression “ person interested ” means the person who was in actual possession of the premises requisitioned under section 60-A immediately before the requisition, or where no person was in such actual possession, the owner of such premises.

(2) Whenever in pursuance of section 60-A the State Government requisition any vehicle, vessel or animal, there shall be paid by the municipal council to the owner thereof compensation the amount of which shall be determined by the State Government on the basis of the fares or rates prevailing in the locality for the hire of such vehicle, vessel or animal :

Provided that where the owner of such vehicle, vessel or animal being aggrieved by the amount of compensation so determined makes an application to the State Government within one month from the date of service of the order determining the compensation for referring the matter to an arbitrator, the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the State Government may determine :

Provided further that where immediately before the requisitioning the vehicle or vessel was by virtue of a hire purchase agreement in the possession of a person other than the owner, the amount determined under this sub-section as the total compensation payable in respect of the requisition shall be apportioned between that person and the owner in such manner as they may agree upon, and in default of agreement, in such manner as an arbitrator appointed by the State Government in this behalf may decide.

60-C. *Power to obtain information.*—The State Government may, with a view to requisitioning any property under section 60-A or determining the compensation payable under section 60-B, by order, require any person to furnish to such authority as may be specified in the order such information in his possession relating to such property as may be so specified.

60-D. *Powers of entry into and inspection of premises, etc.*—
(1) Any person authorised in this behalf by the State Government may enter into any premises and inspect such premises and any

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vehicle, vessel or animal therein for the purpose of determining whether, and if so in what manner, an order under section 60-A should be made in relation to such premises, vehicle, vessel or animal or with a view to securing compliance with any order made under that section.

(2) In this section, the expressions "premises" and "vehicle" have the same meanings as in section 60-A.

60-E. *Eviction from requisitioned premises.*—(1) Any person remaining in possession of any requisitioned premises in contravention of any order made under section 60-A may be summarily evicted from the premises by any officer empowered by the State Government in this behalf.

(2) Any officer so empowered may, after giving to any woman not appearing in public reasonable warning and facility to withdraw, remove or open any lock or bolt or break open any door of any building or do any other act necessary for effecting such eviction.

60-F. *Release of premises from requisition.*—(1) When any premises requisitioned under section 60-A are to be released from requisition, the possession thereof shall be delivered to the person from whom possession was taken at the time when the premises were requisitioned, or if there were no such person, to the person deemed by the State Government to be the owner of such premises, and such delivery of possession shall be a full discharge of the State Government from all liabilities in respect of such delivery, but shall not prejudice any rights in respect of the premises which any other person may be entitled by due process of law to enforce against the person to whom possession of the premises is so delivered.

(2) Where the person to whom possession of any premises requisitioned under section 60-A is to be given under sub-section (1) cannot be found or is not readily ascertainable or has no agent or any other person empowered to accept delivery on his behalf, the State Government shall cause a notice declaring that such premises are released from requisition to be affixed on some conspicuous part of such premises and publish the notice in the Official Gazette.

(3) When a notice referred to in sub-section (2) is published in the Official Gazette, the premises specified in such notice shall cease to be subject to requisition on and from the date of such publication and be deemed to have been delivered to the person entitled to possession thereof, and the State Government shall not be liable for any compensation or other claim in respect of such premises for any period after the said date.

60-G. *Delegation of functions of the State Government with regard to requisitioning.*—The State Government may, by notification, direct that any powers conferred or any duty imposed on

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the State Government by any of the provisions of sections 60-A to 60-F shall, under such conditions, if any, as may be specified in the direction, be exercised or discharged by such officer or class of officers as may be so specified.

60-H. Penalty for contravention of any order regarding requisitioning.—If any person contravenes any order made under section 60-A or section 60-C, he shall be punishable with imprisonment for a term which may extend to one year or with fine or with both.

21. Amendment of section 304, Madras Act V of 1920.—In section 304 of the Municipalities Act,—

(i) for the words and figures “The power to make rules under section 303 is”, the words and figures, “The power to make rules under section 303 and the power to issue notifications under this Act are” shall be substituted;

(ii) for the words “six weeks”, the words “three weeks” shall be substituted;

(iii) after clause (c), the following clause shall be added, namely:—

“(d) Every rule made under section 303 and every notification issued under this Act shall, as soon as possible after it is made or issued, be placed on the table of both Houses of the Legislature, and if, before the expiry of the session in which it is so placed or the next session, both Houses agree in making any modification in any such rule or notification or both Houses agree that the rule or notification should not be made or issued, the rule or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.”.

22. Amendment of section 347, Madras Act V of 1920.—In section 347 of the Municipalities Act, for the words “No person shall be tried for any offence”, the words “Save as otherwise expressly provided in this Act, no court shall take cognizance of any offence” shall be substituted.

23. Amendment of section 368, Madras Act V of 1920.—To sub-section (5) of section 368 of the Municipalities Act, the following proviso shall be added, namely:—

“Provided that the State Government may, by notification, for sufficient cause, direct that the term of office of the councillors as a whole be extended or reduced by such period not exceeding three months as may be specified in the notification.”.

